

GOVERNMENT OF TELANGANA

ABSTRACT

PS - Revenue Department - Sri P.Shankaraiah, Tahsildar (Rtd), Shaligouraram Mandal, Nalgonda District - Disciplinary action initiated under Rule 20 of the APCS (CCA) Rules, 1991 - charges framed - Explanation - Enquiry Officer Appointed - Enquiry Report - Report Communicated - Explanation submitted - Imposed a punishment of 5% cut in pension permanently - Orders- Issued.

REVENUE (VIGILANCE.III) DEPARTMENT

G.O.Rt.No. 43

Dated:24-07-2014

Read the following:

- 1) D.G., ACB , Hyd. Lr. Rc. No. 134/RCT-HND/2008, dt. 15-11-2008.
- 2) G.O.Ms.No.436, Revenue (Vig. II) Dept., Dt: 13.3.2009.
- 3) G.O. Rt. No. 455, Revenue (Vig.II) Dept. dt.13-3-2009.
- 4) From Sri P. Shankaraiah, retd. Tahsildar, written statement of defence, dt: 19.5.2009.
- 5) G.O.Rt. No.1020, Revenue (Vig.II) Dept. dt.18-8-2011
- 6) From the COI, A.P. Secretariat, Hyd. D.O. Lr. No.229/COI-LP/2011, Dt. 7-9-2012
- 7) Govt.Memo.No.28933/Vig.II(2)/2008-4, dt.16-10-2012
- 8) From Sri P. Shankaraiah Goud, Tashildar (Retd.), representation dt. 18-3-2013
- 9) Govt. Memo No. 28933/Vig. I (2)/2008-8, dt:17.8.2013.
- 10) From Sri P. Shankariah, Tahsildar (Retd.), representation, dt: 28.12.2013.
- 11) Govt.Lr.No.28933/Vig.II(2)/2008-10, dt.23.4.2014.
- 12) From the Secretary, APPSC, Lr.No.756/RT/1/2014, dt.26.06.2014.

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ORDER:

Whereas, it has been brought to the notice of the Government that Sri P. Shankaraiah, Tahsildar (Retired, Shaligouraram Mandal, Nalgonda District has (1) failed to submit his Annual Property Returns to the competent authority during his entire service; (2) engaged a private person to assist in his office work; and (3) not signed in the Attendance Register on the date of trap ie., on 3.6.2008; and recommended to initiate departmental action against the individual.

2. In the reference 2nd read above, sanction was accorded under sub-clause (i) of clause (b) of sub-rule (2) of Rule 9 of A.P.Revised Pension Rules, 1980 to initiate departmental proceedings against Sri P. Shankaraiah, Tahsildar, as he retired from service on 31.1.2009 and accordingly framed charges against the individual on the above (3) lapses, with a direction to submit his written statement of defence for taking further action, vide reference 3rd read above. Sri P.Shankaraiah, Tahsildar (Retired) has submitted his written statement of defence vide reference 4th read above. After examination, Government have appointed Sri Lingaraj Panigrahi, I.A.S., Commissioner of Inquiries as Inquiring Authority to inquire into the charges framed against the charged officer, vide reference 5th read above.

3. In the reference 6th read above, the Inquiring Authority has submitted inquiry report, wherein the Inquiring Authority with regard to first two counts of the charge, held as proved and the 3rd count of the charge, held that the same is not held proved. A copy of the inquiry report was communicated to the Delinquent Officer for his representation vide reference 7th read above.

/p.t.o/

4. In the reference 8th read above, Sri P. Shankaraiah, retired Tahsildar has submitted a representation to Government stating that he was always engaged with multifarious duties and could not submit annual property statements and it was not intentional and he did not engage any private person to attend the office work and he was not aware of any such person doing office work and Sri P.Lingaiah himself deposed in the Anti-Corruption Bureau court that he did not work in the office and the Anti-Corruption Bureau court also taken the same into consideration. He has requested to drop further action against him.

5. Government have examined the representation of the Delinquent Officer and observe that as per the sub-rule (7) of rule 9 of Andhra Pradesh Civil Service (Conduct) Rules, 1964, every Government employee other than a member of the A.P. Last Grade Service and a Record Assistant in the A.P. General Subordinate Service, shall submit to Government a statement of all immovable property/properties irrespective of its value and movable property/properties owned, acquired, or inherited by him or held by him in his own name or in the name of any members of family, in the form prescribed every year. But the Delinquent Officer has failed to do so. With regard to his contention that Sri P.Lingaiah, Private Person had deposed in the Anti-Corruption Bureau Court that he has not worked in the office and that the Anti-Corruption Bureau court taken into consideration of such deposition, it is observed that the deposition taken in the case of allegation of corruption ie., main case; whereas in this case, the fact remains that Sri P. Lingaiah, P.W.-I himself deposed before the Inquiring Authority that the caste certificates are prepared in his own handwringing and the same is initialled by the Junior Assistant and putup to charged officer viz., Tahsildar. Hence, the contention of the delinquent Tahsildar that he had no knowledge of such person working in the office is not tenable. Accordingly, Government, have taken a provisional decision to impose a penalty of 5% cut in pension permanently against the individual and directed him to submit his representation for taking further action in the matter, vide reference 9th read above.

6. In the reference 10th read above, Sri P. Shankaraiah, retired Tahsildar has submitted his representation and stated that there was no practice of submission of Annual Property Returns by any Government servant in Revenue Department, in Nalgonda District and the District Administration also responsible to ensure that all the employees submit their Annual Property Returns every year. If the similarly placed employees are punishable on the above lapse, he would be punishable otherwise it amounts discrimination. He has stated that he has not acquitted /disposed any properties and filing a "nil" returns would be a formal one and requested to drop the above charge. With regard to engaging a private persons in the office, he has stated that Sri P.Lingaiah himself stated before the Anti-Corruption Bureau Court that he was not engaged by him and the Anti-Corruption Bureau Court accepted statement of above witness; but a non-judicial authority ie., Commissioner of Inquiries found fault and hence the deposition made by Sri P.Lingaiah before the Anti-Corruption Bureau Court cannot be ruled out by a non-judicial officer and requested to drop the charge.

7. Government have examined the contentions of the individual and observe that the individual failed to submit his annual property returns and violated the sub-rule (7) of rule 9 of A.P.C.S (Conduct) Rules, 1964. His plea that there was no practice of submitting APRs by any Revenue officials in Nalgonda District is not convincing as it cannot be ground for him to violate the statutory rule 9 of APCS (Conduct) Rules, 1964. Regarding his contention about deposition of SriLingaiah (as PW-3), it is observed that Sri P.Lingaiah, P.W.-I himself deposed before the Inquiring Authority that "the caste certificates are prepared in his

own handwriting and the same is initialled by the Junior Assistant and put up to charged officer viz., Tahsildar". Hence the contention of the Delinquent Officer given in the criminal case and to apply the same in the departmental enquiry is not tenable as the same are different actions.

8. Government after careful examination of the entire matter, have found that the explanation of charged officer is not convincing. Hence, Government decided to confirm the provisional decision to impose a punishment of withholding 5% pension permanently against Sri P.Shankariah, Tahsildar (Retired), Shaligouraram Mandal, Nalgonda District.

9. The Andhra Pradesh Public Service Commission vide reference 12th read above, have agreed to impose a penalty of 5% cut in pension permanently against Sri P.Shankaraiah, Tahsildar (Rtd), Shaligouraram Mandal, Nalgonda District. (copy enclosed).

10. Accordingly, Government hereby order to impose a punishment of withholding 5% pension permanently on Sri P.Shankaraiah, Tahsildar (Retired), Shaligouraram Mandal, Nalgonda District.

11. The Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad/District Collector, Nalgonda is requested to take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

B.R.MEENA
PRINCIPAL SECRETARY TO GOVERNMENT.

To
The Spl. CS & Chief Commissioner of Land Administration, Government of
Telangana, Hyderabad.(w.e)
The District Collector, Nalgonda.

Copy to:-

Sri P. Shankaraiah, Tahsildar, Shaligouraram Mandal, Nalgonda District
through Dist. Collector, Nalgonda.

The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.
The District Treasury Officer, Nalgonda
Sf/Sc.

//forwarded :: by order//

Section Officer.